

BAKER DECLARATION

EXHIBIT F

WILLIAM A. MCHATTON; February 01, 2019

1

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3

4 STATE OF WASHINGTON,)
5 PLAINTIFF,) NO. 3:17-CV-05806-RJB
6 VS.)
7 THE GEO GROUP, INC.,)
8 DEFENDANT.)
9)
10)
11

12 DEPOSITION UPON ORAL EXAMINATION OF
13 WILLIAM A. MCHATTON
14

15 10:00 A.M.

16 FEBRUARY 1, 2019

17 800 FIFTH AVENUE, SUITE 2000

18 SEATTLE, WASHINGTON
19



24 REPORTED BY: BETSY E. DECATER, RPR, CCR 3109
25



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ALSO PRESENT: CAITIE HALL



1 Q. So --

2 A. Did I tell anybody that I was going to be going
3 to a deposition?

4 Q. Did you discuss the details of what you might
5 testify to?

6 A. No.

7 Q. Did you speak with any ICE employees?

8 A. No.

9 Q. Did you speak with any ICE attorneys?

10 A. No.

11 Q. How long were you employed by The GEO Group?

12 A. From February 9th, 2004 through I believe my
13 resignation date, retirement date was like August 28th,
14 2018.

15 Q. What positions did you hold during your
16 employment at The GEO Group?

17 A. I was the facility's first compliance manager and
18 then was promoted to the associate warden security in, I
19 believe, 2010.

20 Q. And during your employment for The GEO Group
21 where were you located?

22 A. Originally -- the facility did not open until
23 April 23rd, 2004. The original location of the facility
24 for ICE detention was in Seattle on Airport Way, and I
25 had to prepare the manuals, the policies and procedures



1 for the facility that would be approved by Immigration
2 in Washington, D.C., before we opened. So I basically
3 moved out of my home in -- with my 95-year-old mother,
4 worked 12 to 14 hours a day, six days a week to prepare
5 those manuals.

6 Q. So when you say "those manuals," can you please
7 describe what you mean by that?

8 A. Policies and procedures that the Northwest
9 Detention Center operated under.

10 Q. And did you develop all of the policies and
11 procedures that the Northwest Detention Center utilizes
12 or utilized when it opened?

13 A. Yes.

14 Q. Does that mean that you also developed the
15 policies and procedures covering the voluntary work
16 program?

17 A. Let me add this to my statement because there's a
18 story that goes with it. I'd prefer to tell the story.

19 Q. Okay.

20 A. You okay with that?

21 Q. We're okay with it for now. We'll see where it
22 goes.

23 A. The original warden of the facility was from the
24 Bureau of Prisons. The associate warden was from the
25 Department of Corrections, State of Washington.



1 I beat that by -- and we opened.

2 Q. Great. You've got an incredible memory, which is
3 very lucky.

4 A. Depends on the subject.

5 Q. Hopefully of the voluntary work program.

6 So in terms of crafting the policies governing
7 the voluntary work program, do you remember your process
8 for that?

9 A. I absolutely do.

10 Q. Okay. Can you tell me about that?

11 A. Because the process of that was no different than
12 any of the other processes. I had devised a framework
13 for the -- for the policies, meaning what it'd look
14 like. Okay. And my background as a policy person was
15 to present information to the person that I want to have
16 follow these rules and regulations in a manner of "I
17 will do this."

18 So it was pretty much -- let me think a minute.
19 I was going to say first person. That doesn't sound
20 correct in my mind, and so guess it would be second, you
21 will blah, blah, blah, blah. And so I took that which
22 was the National Detention Standard on the voluntary
23 work program, and I downloaded that into my framework
24 and then I reworked it to let the individual reading it
25 know that that was his or her responsibility to do it in



1 line with that.

2 Q. Okay.

3 A. Does that make sense?

4 Q. It does make sense.

5 So you drafted the policies governing the
6 voluntary work program at the Northwest Detention Center
7 yourself but with the influence of the PBNDS; is that
8 correct?

9 A. Close. Influence, absolutely. But it was the
10 National Detention Standards.

11 Q. Okay.

12 A. I don't think it became PBNDS until 2008.

13 Q. That's correct. Thank you for that correction.

14 So is it fair to say that ICE gave approval of
15 your policy, but it did not give you directive around
16 how the policy needed to be drafted?

17 A. Oh, no.

18 MR. PUSATERI: Object. You can answer.

19 Q. (BY MS. BAKER) Go ahead.

20 A. They were quite specific.

21 Q. Can you tell me how specific they were?

22 A. They wanted it to model the National Detention
23 Standards, mimic.

24 Q. But you had provided other policies to ICE that
25 had not actually been --



1 A. Everything --

2 MR. PUSATERI: Object; misstates testimony.

3 A. Everything that we operated under was driven by
4 the National Detention Standards.

5 Q. But you as a GEO employee drafted the policies
6 and created the policies yourself; is that correct?

7 A. Yep, I drafted them. They were approved by
8 initially headquarters, and then any revisions that were
9 annual had to be signed by both the ICE ranking official
10 in ICE as well as us.

11 Q. So I want to go back.

12 You indicated that you had two positions when you
13 worked for The GEO Group at the Northwest Detention
14 Center. One of them was compliance manager; is that
15 correct?

16 A. That was my first position.

17 Q. And the other was as assistant warden; is that
18 correct?

19 A. Correct.

20 Q. Can you tell me in your position as compliance
21 manager what duties you had relating to the voluntary
22 work program?

23 A. The duties were, first, to have a policy and
24 procedure that would be acceptable to ICE and the
25 warden. At that point in time, both CSC and later GEO



1 A. Yeah. It was the guy who replaced me, Bruce
2 Scott.

3 Q. And was there a previous chief of security before
4 Bruce Scott?

5 A. Yes.

6 Q. If you don't recall, that's okay, but I will --

7 A. Jaramillo, J-a-r-a-m-i-l-l-o.

8 Q. Do you know how long Bruce Scott was in that
9 position?

10 A. I would prefer not to guess.

11 Q. Okay. So as associate warden, did you have
12 responsibility for ensuring that GEO officers supervised
13 detainee workers in the voluntary work program?

14 A. The way I heard your question is did I have
15 supervision responsibility over the officers who --
16 dotted line. Direct would come from the chief and
17 captain and the lieutenant, chief lieutenant.

18 Q. Did you develop training for the GEO officers
19 that oversaw the detainee workers in the voluntary work
20 program?

21 A. I believe that's included within the academy.

22 Q. Can you tell me what that means?

23 A. What I just said?

24 Q. That's correct.

25 A. Before and into the -- before an individual



1 officer is placed on the job, he or she must complete I
2 believe it to be approximately six-weeks training
3 academy, plus I think it's two weeks on-the-job training
4 before he or she is assigned a shift and a post, et
5 cetera.

6 Q. And it's your understanding that supervising
7 detainee workers is part of the training that GEO
8 officers receive in the academy?

9 A. I believe it is.

10 Q. Do you know if there are particular policies or
11 documents that GEO guards would receive as part of their
12 training regarding supervising detainee workers in the
13 voluntary work program?

14 A. My recollection of the way it was originally in
15 the compliance is that, for example, Alisha Singleton or
16 Michael Heye, they have been pretty much -- Alisha was
17 the original classification officer, and then I guess
18 Michael Heye was added to that role. And so Alicia was
19 lead.

20 And so either one of those two would conduct a
21 class as part of the academy, and they would use the NDS
22 or the PBNDs or our own policies. They handed out one
23 or both.

24 Q. And so when you say they would use your own
25 policies --



1 Q. And then could a detainee worker be disciplined
2 either through the IDP process or the UDC -- is it UDC,
3 the unit disciplinary? Is it UDC or UDP?

4 A. UDC.

5 Q. So either IDP or UDC, could a detainee worker be
6 disciplined through either of those tracks for engaging
7 in work stoppage?

8 MR. PUSATERI: Object to form.

9 A. Hypothetically, yes. But I don't ever recall
10 that we actually ever did charge an individual with
11 that.

12 Q. Why do you say hypothetically, yes?

13 A. It's -- again, it's within the standard that
14 refusing to work.

15 Q. So refusing to work is something that a detainee
16 worker could be penalized for through the IDP process?

17 MR. PUSATERI: Object to form.

18 Q. (BY MS. BAKER) Is that right?

19 A. Given the voluntary work program, you could quit
20 at a moment's notice. I just don't recall.

21 Q. Okay. That's fine.

22 And then as an associate warden, what were your
23 duties regarding training detainee workers for
24 participating in the voluntary work program?

25 A. Typically, that training was conducted by either



1 the housing unit officer, because he or she had the
2 detainee workers there in the housing unit, food
3 service, laundry supervisor, whomever was on point
4 overseeing.

5 Q. And what were your duties in relation to that
6 training, the training for detainee workers?

7 A. My duties as it pertained to -- I don't think I
8 had any involvement. I never -- I don't recall ever
9 having trained a detainee.

10 Q. Did you have responsibility to ensure that the
11 proper paperwork was being completed for detainee
12 workers?

13 A. Going back to those audits.

14 Q. And what were your duties regarding generally
15 monitoring the voluntary work program?

16 MR. PUSATERI: Object to form.

17 Q. (BY MS. BAKER) And I can ask that question a
18 different way if you would prefer.

19 A. Yeah.

20 Q. I told you some of my questions will be inartful,
21 so please don't hesitate to say reframe it.

22 So in terms of ensuring that the voluntary work
23 program was operating in compliance with GEO's policies,
24 what were your duties as the associate warden?

25 A. I think probably the best way to answer that is



1 need in the housing units. Then laundry had a set
2 number, but that changed again with the population
3 increasing and we -- my recollection was we went to two
4 shifts.

5 So I think the answer is I do not recall having
6 been involved in the numbers of workers assigned to food
7 service. I think that was between Bert and who was then
8 her supervisor, Kimble.

9 Q. Ryan Kimble?

10 A. Yeah.

11 Q. So is it your understanding --

12 A. To the best of my knowledge, I don't recall ever
13 having participated in that.

14 Q. And not just the kitchen, but is it your
15 understanding that administrators at the Northwest
16 Detention Center are the ones responsible for
17 determining how many detainee workers will work per
18 shift in a particular position?

19 A. May I hear that question again, please.

20 Q. It's a tough one.

21 So is it your recollection that GEO employees at
22 the Northwest Detention Center are the ones who are
23 responsible for determining how many detainee workers
24 will be assigned to a particular shift for a particular
25 position?



1 A. GEO people, sure.

2 Q. And you indicated who you think would be
3 responsible for making that decision for the kitchen.

4 Who do you think would be responsible for
5 determining the number of detainee workers that are
6 necessary per shift for the laundry?

7 A. Who was responsible for saying how many employee
8 detainee workers that he wanted in laundry? The laundry
9 supervisor.

10 Q. And who is the laundry supervisor?

11 A. It's a bid post. I believe it's a bid post.

12 Q. I don't know what that means.

13 A. We went union, and, therefore, all the posts
14 within the facility are open to bid.

15 Q. And who would be responsible for making the
16 determination regarding how many pod porter positions
17 are available per shift per unit?

18 A. I believe that I did that in conjunction with the
19 -- it could have been done before I became -- yeah,
20 probably was. I don't recall ever participating in a
21 meeting after I became the associate to change the
22 number of detainee workers in the housing unit.

23 Q. But it would have been your responsibility as the
24 associate warden to make that determination if it were
25 necessary?



1 A. Probably not because it never crossed my desk. I
2 mean, if they wanted to increase the number or -- there
3 were -- the jobs that existed in the housing units were
4 identified on a document and available to the housing
5 unit staff so that if they wanted to -- an individual
6 detainee was released and therefore now there's a
7 vacancy, the classification department would have a
8 waiting list and they would pass that back to the
9 officer in that housing unit to say Joe Bocaroni is the
10 next guy up.

11 Q. Do you know who would be responsible for
12 determining how many barbers would be assigned to a
13 particular shift in the barbershop?

14 A. Again, we increased the number of barbers when we
15 increased the population. We increased the number of
16 barber chairs. The recreation department as, it was
17 titled back then, oversaw the barbershop.

18 Q. And was that a decision that you made?

19 A. Was what a decision I made?

20 Q. To increase the number of barbers when the
21 population of the NWDC increased?

22 A. Probably.

23 Q. And I know this will get a little bit tedious,
24 but I just want to make sure I have all of the
25 information for each of the positions.



1 So do you know who would be responsible for
2 increasing the number of detainee workers assigned to
3 the gray mile per shift?

4 A. I think that rested with the captain. Could have
5 been also -- could have been -- I believe the captain.
6 I'm not certain.

7 Q. And did you have to receive ICE approval for any
8 of these increases in the detainee worker assignments?

9 A. We met with the ICE administration weekly, and
10 this would be a subject of presentation. It would not
11 necessarily involve their blessing. If they objected,
12 they would say so.

13 Q. So a couple of times you said that the detainee
14 worker assignments in the voluntary work program
15 increased when the population of the Northwest Detention
16 Center increased.

17 Can you tell me more about that, how those two
18 are correlated?

19 A. The number of jobs in the housing units did not
20 change. The number of jobs available in the barbershop
21 changed, laundry changed and food changed. I do not
22 recall other changes.

23 Q. And why did they change?

24 A. Volume, number of people.

25 Q. So it's fair to say that you needed more detainee



1 workers to offset the larger population that was in the
2 facility; is that right?

3 A. Yep.

4 Q. Did ICE ever object to GEO's request or GEO's
5 informing them that they were increasing the detainee
6 worker assignments?

7 A. Not to my recollection.

8 MR. PUSATERI: If you don't mind, I would like to
9 get some water and we'll take a break.

10 (Recess taken.)

11 Q. (BY MS. BAKER) So earlier you discussed drafting
12 the voluntary work program policy and getting ICE
13 approval, and I think you indicated that you were able
14 to draft the policy and get it to ICE before the
15 deadline.

16 Can you tell me how long, if you remember, it
17 took ICE to approve that policy?

18 A. Once we had a course of action, the National
19 Detention Standards, they received the administrative
20 and the disciplinary segregation and after that they got
21 one or two more, maybe three at the absolute most to
22 review per se individual. And then the word came back
23 was you now know where we want you to go, and so the
24 next -- I don't recall. This one's done, here you go.
25 This one's done. I recall saying, okay, this is our



1 "The detainee work program shall not conflict with any
2 other requirements of the contract and must comply with
3 all applicable laws and regulations."

4 As the compliance manager, you drafted the
5 policies governing the voluntary work program; is that
6 right?

7 A. In accordance with the National Detention
8 Standards.

9 Q. Did you do anything to ensure that the voluntary
10 work program complied with all applicable laws and
11 regulations?

12 A. As it pertained to that as it was directed by the
13 standards, yes.

14 Q. When you say as it pertains to that, can you tell
15 me what you mean?

16 A. Requirements of the contract. There's other
17 elements in the contract that pertain to visits,
18 attorney visits, religious freedoms, recreational
19 activity, and not one activity was more important than
20 the other. So a detainee was free --

21 Q. Did you do anything to ensure that the policies
22 did not conflict with any of the applicable laws and
23 regulations?

24 A. Based upon the ones that we -- it was directed
25 toward, yeah.



1 Q. And when you say "it was directed toward," can
2 you tell me --

3 A. Well, it's --

4 MR. PUSATERI: Object; asked and answered.

5 A. Just because a person has one arm, a disability,
6 doesn't preclude that individual from working if he or
7 she chooses to. That's what I mean.

8 Q. And you can go ahead and move that to the side.
9 We're going to come back to that document, so keep it
10 close by.

11 (Off the record.)

12 Q. (BY MS. BAKER) So you've been handed Exhibits --
13 and sorry to dump these all on you at once -- 83, 84,
14 85, 88, 89, and 91. And we are going to go through each
15 of those individually. So let's look first at 83.

16 Are you familiar with this document?

17 A. Yes.

18 Q. What is it?

19 A. It is a detainee Job Description for Food Service
20 Kitchen, Cook, Prep or Server.

21 Q. Did you create this job description?

22 A. Again, I may have had a hand in its original
23 development, but I believe I would credit Bert with --
24 Bert Henderson, the food service manager, with its
25 content.



1 that people did?

2 A. It was a job, it was a part of the voluntary work
3 program.

4 Q. So there should be a job description for the gray
5 mile?

6 A. I believe that there is.

7 Q. And I want to ask you about a couple other
8 details that we don't seem to have job descriptions for.

9 So my understanding is that detainee workers did
10 painting in the facility as part of the voluntary work
11 program. Is that your understanding?

12 A. Detainee workers who wanted to paint the housing
13 unit were provided the paint, and then they were paid
14 for that. There probably was not a job description -- I
15 don't know if there's a job description for it.

16 Q. And how were detainee workers paid for painting
17 the housing units?

18 A. Any work that was performed was performed under
19 the supervision of an officer, and there was a form that
20 was filled out by that officer that the detainee put his
21 or her name onto. And I think that went in to
22 classification before it went to the business office for
23 payment.

24 Q. Since we don't have a job description for the
25 painting detail, can you tell me what that detail --



1 descriptions that we looked at earlier, they have a
2 place for the detainee to sign to acknowledge that they
3 understand the scope of the work.

4 Do you know whether or not there was a job
5 description for the gray mile that included buffing and
6 utilizing an electrical buffer?

7 A. I would think so, but I don't know.

8 Q. And what time does the gray mile shift happen?

9 A. Typically, during counts when things slow down
10 and then at night.

11 Q. And when you say at night, what time is that?

12 A. I don't recall.

13 Q. Do you know approximately how many hours
14 individuals or detainee workers would work in the gray
15 mile detail?

16 A. If all they were doing was sweeping, moping and
17 buffing, they probably were out there doing that for
18 maybe an hour and a half at the most. If they were
19 doing the stripping of the floor for preparing for wax,
20 then they would do that in the evening. And I do not
21 know how long they were assigned to on that detail.

22 Q. Can you give me an approximation?

23 A. No. I prefer not to.

24 Q. And can you tell me what you mean by if they were
25 stripping the floors?



1 dollar and then received some sort of additional
2 benefit, some food benefit?

3 A. I am not.

4 Q. So I want to go back to these job descriptions.

5 So if you could look at Exhibit 83 and 84, and
6 look at the work duties for both of those positions and
7 these two positions are for kitchen jobs, cook, prep,
8 server and the dishwasher, pots and pans.

9 A. (Witness reviewing document.) Okay.

10 Q. Can you tell me who determined what
11 responsibilities detainee workers who have these
12 positions, what they would do?

13 Like who is responsible for determining the scope
14 of work for those positions?

15 A. Ultimately, Bert Henderson, the food service
16 administrator.

17 Q. And then if we can move to Exhibit 85, which is
18 the laundry worker, can you tell me who's responsibility
19 it is for defining the scope of work for a laundry
20 worker?

21 A. The corrections officer assigned to supervise the
22 laundry on the dayshift or swing shift.

23 Q. So that's, I think, who may be responsible for
24 ensuring that that work is being done on a particular
25 day. But who defined this scope of work that's in the



1 Q. Can you tell me when that occurred?

2 A. No.

3 Q. Can you tell me why it might have occurred?

4 A. Why was your question?

5 Q. Uh-huh.

6 A. I'd have to speculate.

7 Q. Did you have to -- did you as associate warden
8 have any responsibilities in approving instances where
9 detainee workers were paid more than a dollar?

10 A. I think I did.

11 Q. Do you recall providing that approval?

12 A. I think if I approved it, I would have to take it
13 to them and get their approval to do it. I think we --
14 I recall loosely instances in the barbershop where
15 barbers were working other details and got more than a
16 dollar a day. You cited a situation, a hypothetical,
17 although it could have been, about working in the food
18 service department and then doing a detail in the
19 housing unit. That would have been very rare I would
20 think because the -- it would just be rare.

21 But I know -- I don't know when, where, how,
22 what, but I do know that I approved more than -- if you
23 did more than one detail somebody was getting an extra
24 dollar.

25 Q. Can you turn to Exhibit 14 in that binder?



1 Q. Can you tell me about that?

2 A. Not well, no. Did I make a sandwich? No. Did
3 possibly Alicia or Michael Heye? Maybe. I don't -- I
4 don't know who.

5 Q. So you left the facility last summer; is that
6 right? You retired in the summer?

7 A. Yeah.

8 Q. Bert Henderson told us that they have been having
9 a hard time fully staffing the kitchen with detainee
10 workers. Are you aware of that occurring?

11 MR. PUSATERI: Object.

12 Q. (BY MS. BAKER) Are you aware of any incidents
13 where the ideal number of detainee workers to staff the
14 kitchen has not been reached?

15 MR. PUSATERI: Object.

16 A. She's your source. If she's -- I wouldn't --

17 Q. I'm asking you if you are aware of instances.

18 A. I know periodically -- if ICE had two what we
19 called ICers in a week, that could dramatically affect
20 the number of detainees available who departed and,
21 therefore, would dramatically affect her work crews on
22 potentially all three of her shifts, four of her shifts.
23 So I know that Bert would go to the housing unit herself
24 to attempt to motivate people to come to work for her as
25 well as other staff.



1 chemicals when they are assigned to the laundry?

2 MR. PUSATERI: Object.

3 A. Not really. Because the way they work, meaning
4 the washing machines, that is only attended to, to my
5 recollection, by staff and it's automatic. And so it
6 requires very -- you might do it -- I don't know how
7 often you do it. But you don't do it every day. You
8 don't need to replace the canisters or whatever you want
9 to -- containers because the detergent that we use was a
10 combo unit of washer -- I mean detergent and the word
11 that's in my mouth is not -- Clorox bleach, bleach. So
12 they didn't touch it. I respected the detainees who
13 worked in laundry.

14 Q. Why?

15 A. Because it was of the length of time that they
16 worked. They probably worked the longest.

17 Q. Like how many hours do you think they worked?

18 A. Six.

19 Q. And when you say the length of time that they
20 worked, were there detainees who worked in the laundry
21 for long periods of time, like months or --

22 A. If the guys who worked laundry liked laundry, and
23 the reasons for that are as individual as there are
24 people working laundry, I've asked some, but so to me my
25 recollection and reality is that the laundry had a very



1 document?

2 A. Yes, I am.

3 Q. What is it?

4 A. It is the standard addressing personal hygiene,
5 revision dated December 2016 4.9.

6 Q. If you turn to page 328 of this --

7 A. 320?

8 Q. Eight.

9 On the bottom under Expected Practices, the first
10 paragraph reads, "Each detention facility shall have a
11 written policy and procedures for the regular issuance
12 and exchange of clothing, bedding, linen, towels and
13 personal hygiene items. The supply of these items shall
14 exceed the minimum requirement for the number of
15 detainees to prevent delay in replacing the items."

16 We discussed the laundry earlier. Detainee
17 workers are responsible for laundering the clothing, the
18 bedding, linens and towels that are referred to in this
19 standard; is that correct?

20 A. We are, and the detainees assist in that, yeah.

21 Q. So the detainee workers who work in the laundry
22 assist GEO in being able to meet this standard; is that
23 right?

24 A. That is correct.

25 Q. And so the detainee workers' labor is necessary



1 visitation." So that contact is the attorney-client
2 room.

3 Q. And who cleans that area?

4 A. The detainees would go in there because that's in
5 the controlled side of the facility. The noncontact
6 visitation, they would clean that.

7 Q. Detainee workers would clean and maintain the
8 noncontact visitation area?

9 A. Yeah. So would staff, so would officers.

10 Individual holding rooms, yes; including
11 designated space and appropriate screening, okay, from
12 that phrase including to the end of the sentence that
13 would be no because that would be outside of the
14 controlled environment.

15 Q. So just so I'm clear, group and individual
16 holding rooms are cleaned and maintained by detainee
17 workers except to the extent that they are outside of
18 the secure facility, the secure part of the facility; is
19 that correct?

20 A. Anything that is not within the controlled
21 environment of the facility is not cleaned by the
22 detainees.

23 Q. So that part of the facility is maintained by the
24 contract janitors; is that right?

25 A. Right. So then the next sentence is about the



1 rooms themselves.

2 Q. And so there are 25 noncontact rooms and those
3 are maintained and cleaned by detainee workers?

4 A. Uh-huh.

5 Q. There are ten private nonmonitored
6 attorney-client rooms, and those are cleaned and
7 maintained by detainee workers?

8 A. Right.

9 Q. There are attorney-client offices?

10 A. Those are not in the controlled environment.

11 Q. Okay. So those are cleaned by contract janitors?

12 A. Yes. If it's within -- they kept asking for
13 more, so some were -- one -- let me think.

14 Only one was within the controlled environment.
15 And needless to say it was space provided for the
16 storage of visitors personal items. That was not
17 maintained.

18 (Deposition Exhibit No. 146 was marked for
19 identification.)

20 Q. (BY MS. BAKER) You've been handed a document
21 marked Exhibit 146. Are you familiar with this
22 document?

23 A. I have to be, I guess, because it's addressed
24 through me to Mike Ruckstuhl who was the acting AFOD at
25 the facility.



1 MR. PUSATERI: Object.

2 Q. (BY MS. BAKER) Sorry. The physical plant.

3 MR. PUSATERI: Object.

4 Q. (BY MS. BAKER) Actually, let's go back.

5 You said the main person who is responsible for
6 this is the fire and safety?

7 A. Procedure, the Northwest Detention Center fire
8 and safety manager is the qualified individual to
9 oversee environmental health program." First sentence
10 in procedure.

11 Q. Yeah. So if you can -- what were your
12 obligations as associate warden in relationship to
13 ensuring that GEO met its obligations or that the
14 Northwest Detention Center complied with this policy?

15 A. Supervise the fire and safety manager, ensure
16 that he attends to the duties and responsibilities as
17 outlined within this document and the standards and that
18 he had the -- employing him, making sure he was
19 knowledgeable and attentive of OSHA, WISHA and et
20 cetera.

21 Q. Can you turn to Exhibit 12?

22 A. (Witness complies.)

23 Q. Are you familiar with this document?

24 A. Little bit.

25 Q. What is it?



1 A. It appears to have been produced in August of
2 2011, which would imply to me that Heather West was
3 possibly the creator of it in conjunction with maybe the
4 person who was the fire and safety manager, at that time
5 was Bruce Scott.

6 Q. Bruce Scott is now the associate warden; is that
7 correct?

8 A. Yes, he is.

9 Q. Do you know why this document would have been
10 created?

11 A. No, not exactly.

12 Q. Do you know how this document is used in the
13 facility?

14 A. I think it's an informational document that's
15 required -- Heather was good at taking something and
16 expounding upon it. I can't -- I don't remember ever
17 having -- creating a housekeeping plan document as a
18 compliance person. So I'm not sure.

19 Q. Can you turn to page 3 in this document?

20 A. (Witness complies.)

21 Q. Do you know who would have made decisions about
22 the types of cleaners or disinfectants to be used to
23 clean the various parts of the facility that are listed
24 here?

25 A. The cleaning products were approved ultimately by



1 the warden but through the fire and safety manager.

2 Q. And do you know who would have made the decision
3 regarding how frequently certain parts of the facility
4 needed to be cleaned?

5 A. That probably was driven by standard as well as
6 OSHA, WISHA guidelines.

7 Q. And the fire -- would the fire and safety manager
8 be the one to make the recommendations?

9 A. He in conjunction with the compliance person.
10 Food service if it's identified here could have been
11 involved, but it doesn't appear necessarily to be
12 specific by area. It's a -- well, here we go, kitchen.
13 But looking at that, tables and sinks in the kitchen,
14 really there aren't -- stainless steel. There aren't
15 any tables in the kitchen, so this is -- I already
16 talked about the food being served in the housing units.
17 Those tables, they had tables and they were stainless
18 steel.

19 So kettles, of course, are in the kitchen, there
20 is a bathroom in the kitchen. Seems like it's a
21 conjunctive effort.

22 Q. Let's go back to page 3.

23 The first chart is titled Facility Cleanup and
24 Daily Cleaning Schedule. Who would have been
25 responsible for performing the cleaning tasks that are



1 identified in that chart?

2 MR. PUSATERI: Object; mischaracterizes the
3 nature of the document.

4 A. There's a lot of areas addressed there, floors
5 throughout the facility, windows and sills.

6 Q. We can go through each one.

7 So floors, hallways, intake, medical area and
8 visitation is the first line of the chart. And there
9 are directions to sweep and damp mop, strip, sill, wax
10 and spray buff as needed.

11 Who would be responsible for performing those
12 tasks?

13 A. If it was in the controlled side of the facility,
14 the detainees would do it. If it was not, it would be
15 GEO.

16 Q. And then the next line is windows and window
17 sills?

18 A. Again, both.

19 Q. And both detainee workers if it's in the
20 controlled part of the facility and GEO employees if
21 it's outside of the controlled part of the facility?

22 A. Right.

23 Q. Sinks, commodes and showers. Who is responsible
24 for cleaning those?

25 A. Same.



1 Q. In the controlled part, it's detainee workers;
2 outside of the controlled part, it's GEO employees; is
3 that correct?

4 A. Uncontrolled, GEO.

5 Q. Trash receptacles. Is it true if it's inside of
6 the controlled part of the facility that detainee
7 workers would be responsible?

8 A. Staff would also do that, if need be.

9 Q. Furniture, vending machines and other equipment?

10 A. There's no vending machines in the controlled
11 environment.

12 Q. Going to the next chart, Housing Unit Cleaning
13 Schedule, Assigned Pod Porters. Are the tasks in that
14 chart ones that would be provided by detainee workers?

15 A. Yes.

16 Q. Going to the next section, kitchen cleaning
17 schedule, are the tasks that are identified in this
18 chart ones that would be performed by detainee workers?

19 A. As well as --

20 Q. We can go through it line by line if it's easier
21 for you?

22 A. Well, again, I've already said there's no tables
23 in the kitchen per se other than, you know, prep tables.

24 Q. Pots and pans, are those cleaned by detainee
25 workers?



1 A. Yes.

2 Q. And the ovens and grills, are detainee workers
3 responsible for cleaning?

4 A. And GEO staff.

5 Q. When would GEO staff clean the ovens and grills
6 as opposed to --

7 A. Typically after use.

8 Q. -- as opposed to detainee workers cleaning them?

9 A. Typically after use. And then detainee workers
10 would come in and do the p.m. cleaning. That would be a
11 separate chore of grill covers and all that. There's
12 much more to it than -- I don't understand this.

13 Q. You don't understand this document?

14 A. Not a lot. To me it's informational. But it's
15 not a directive nature document.

16 Q. It's is a summary document of cleaning tasks that
17 occur in the facility, though?

18 A. Yeah.

19 Q. And you believe that Heather West and/or Bruce
20 Scott were the ones who were responsible for creating
21 that document?

22 A. Well, looking at the vintage and other material,
23 yes.

24 Q. Turn to Exhibit 10.

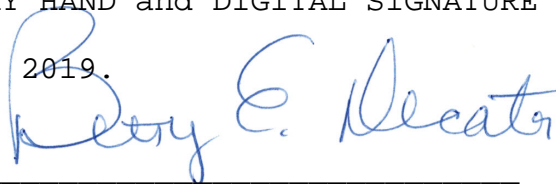
25 A. (Witness complies.)



REPORTER'S CERTIFICATE

I, BETSY E. DECATER, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was reserved; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND and DIGITAL SIGNATURE this 13th day of February, 2019.



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